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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,076	09/07/2006	Bengt-Ake Bengtsson	05558.0036.PCUS00	2186
22930 7590 01/12/2009 HOWREY LLP - DC C/O IP DOCKETING DEPARTMENT 2941 FAIRVIEW PARK DR, SUITE 200 FALLS CHURCH, VA 22042-2924			EXAMINER BORGEEST, CHRISTINA M	
			ART UNIT 1649	PAPER NUMBER
			MAIL DATE 01/12/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,076	<b>Applicant(s)</b> BENGTSOON, BENG-AKE	
	<b>Examiner</b> Christina Borgeest	<b>Art Unit</b> 1649	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6,8-15,18,25,28-30,33,36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1,2,5,6,8-15,18,25,28-30,33,36 and 37 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-2 (in part), 5-6, 8-13, 14-15 (in part), 18 (in part), 25 (in part), 33 (in part) are drawn to methods of administering human growth hormone, variants, agonists or salts thereof, or human growth hormone releasing hormone.

Group II, claim(s) 1-2 (in part), 14-15 (in part), 18 (in part), 25 (in part), 28-32, 33 (in part) are drawn to methods of administering IGF-I or IGF-II, IGFBP or IGFBP3.

Group III, claim(s) 1-2 (in part), 14-15 (in part), 33 (in part) and 36 are drawn to methods of administering a nucleic acid encoding human growth hormone, variants thereof, agonists thereof or human growth hormone releasing hormone.

Group IV, claim(s) 1-2 (in part), 14-15 (in part), 33 (in part) and 36 are drawn to methods of administering a nucleic acid encoding IGF-I or IGF-II, IGFBP or IGFBP3.

Group V, claim(s) 1-2 (in part) and 37 are drawn to a method of administering a cell that produces human growth hormone, variants, agonists or salts thereof, or human growth hormone releasing hormone.

Group VI, claim(s) 1-2 (in part) and 37 are drawn to a method of administering a cell that produces IGF-I or IGF-II, IGFBP or IGFBP3.

Claim 1, as currently recited is anticipated by WO 0217951 (UNIV COLO RES, published March 2002—on Applicant's 1449 form) and WO 9721449 (UNIV COLO RES, published June 1997—on Applicant's 1449 form). Both the WO documents teach the treatment of Parkinson's Disease comprising administering IGF-I or IGF-II (see whole

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documents, also p. 3 of both documents), thus the claim lacks a special technical feature over the prior art and there is no unity of invention. For this reason, the claims are divided into groups according to the substance administered. Group I is drawn administering human growth hormone, variants, agonists or salts thereof, or human growth hormone releasing hormone; Group II, is drawn to administering IGF-I or IGF-II, IGFBP or IGFBP3; Group III is drawn to a nucleic acid encoding human growth hormone, variants thereof, agonists thereof or human growth hormone releasing hormone; Group IV is drawn to administering a nucleic acid encoding IGF-I or IGF-II, IGFBP or IGFBP3; Group V is drawn to administering a cell that produces human growth hormone, variants, agonists or salts thereof, or human growth hormone releasing hormone; Group VI is drawn to a method of administering a cell that produces IGF-I or IGF-II, IGFBP or IGFBP3. Groups I and II do not share a special technical feature because they are drawn to administration of different polypeptides or polypeptide variants. Groups I and III-IV do not share a special technical feature because they are drawn to administration of polypeptides and polynucleotides, respectively. Groups I and V-VI do not share a special technical feature because they are drawn to administration of polypeptides and cells capable of secreting or producing polypeptides, respectively.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Borgeest whose telephone number is (571)272-4482. The examiner can normally be reached on 8:00am - 2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker can be reached on 571-272-0911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christina Borgeest, Ph.D.

/Elizabeth C. Kemmerer/  
Elizabeth C. Kemmerer, Ph.D.  
Primary Examiner, Art Unit 1646